

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's Natural Gas and Electric  
Safety Citation Programs.

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Rulemaking 14-05-013  
(Filed May 15, 2014)

**COMMENTS OF THE OFFICE OF THE SAFETY ADVOCATE  
ON THE PROPOSED DECISION GRANTING IN PART  
A PETITION FOR MODIFICATION OF DECISION 16-09-055**

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**I. INTRODUCTION**

In accordance with Rule 14.3 of the California Public Utilities Commission (“CPUC” or “Commission”) Rules of Practice and Procedure (“Rules”), the Office of Safety Advocate (“OSA”) submits these opening comments on the Proposed Decision Granting in Part a Petition for Modification of Decision (“D.”) 16-09-055 (“PD”). OSA appreciates the Commission’s thoughtful review of Senator’s Hill Petition and responses to the Petition. The PD makes a critical change to D.16-09-055 by requiring utilities to mandatorily report self-identified potential violations that pose a significant safety threat.<sup>1</sup> The PD also makes a reasonable modification to D.16-09-055 by establishing a monthly reporting schedule for such potential violations. OSA fully supports the PD.

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<sup>1</sup> It should be noted that Senator Hill’s office introduced SB 1205 on February 15, 2018 with similar reporting requirements as proposed in the PD. Specifically, the bill as introduced would have required the utilities to report “potential” violations that pose significant safety threats, cause system wide impacts or affect a large geographic region or involve fraud. However, the bill was amended in the Senate on April 16, 2018 to strike the word “potential” because “it is unclear what might constitute a potential violation.” Senate Committee on Energy, Utilities and Communications, Analysis of SB 1205 (Hill), p. 3 (April 3, 2018 Hearing Date).

## **II. DISCUSSION**

### **A. THE PD CORRECTLY REQUIRES MANDATORY REPORTING FOR THE MOST SERIOUS POTENTIAL VIOLATIONS.**

The PD modifies D.16-09-055 to make self-identified potential violations which pose “a significant safety threat to the public and/or utility staff, contractors, or subcontractors” mandatorily reportable.<sup>2</sup> The PD makes no modification to the other self-reporting requirements that D.16-09-055 determined were voluntarily reportable. The PD correctly finds that, given the severity of self-identified potential violations which pose a significant safety threat to the public and/or utility staff, contractors, or subcontractors, requiring mandatory reporting is appropriate.<sup>3</sup> The PD also correctly identifies that, even with mandatory reporting requirements for these types of violations, self-reporting can still serve as a mitigation factor when considering the issuance of citations and penalties pursuant to Public Utilities Code (PU Code) § 1702.5(a)(1) because SED “can still consider the quality of the utility report ... in deciding whether to issue a citation.”<sup>4</sup> The PD further promotes public safety by requiring utilities to self-report and recognizing that comprehensive and robust reporting shall be considered when implementing PU Code § 1702.5(a)(1).

### **B. THE MONTHLY REPORTING REQUIREMENTS ARE REASONABLE AND SHOULD BE ADOPTED.**

Although the PD declines to shorten the reporting period for mandatorily reportable self-identified potential violations to 10 days, as recommended by OSA, it develops a reasonable alternative that OSA supports. In lieu of a shortened reporting period, the PD requires the utilities to report mandatorily reportable violations to SED on the 15<sup>th</sup> of each month.<sup>5</sup> In doing so, utilities would have no less than 15 days, but up to

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<sup>2</sup> PD, p. 12.

<sup>3</sup> PD, p. 13.

<sup>4</sup> PD, p. 17, Finding of Fact No. 6.

<sup>5</sup> PD, p. 1.

45 days after a potential violation to submit the monthly report.<sup>6</sup> OSA believes this requirement is reasonable because it provides adequate time for the utilities to conduct a thorough investigation, develop a comprehensive report, and consult with SED to develop a corrective action to be included in the report.<sup>7</sup>

### III. CONCLUSION

For the foregoing reasons, OSA respectfully requests the Commission adopt the PD's proposed modifications.

Respectfully submitted,

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<sup>6</sup> PD, p. 14.

<sup>7</sup> See SED Report, pp. 23-24; *see also* PD, p. 14.